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ATTORNEYS FOR PLAINTIFF
4361423 CANADA INC.,
D/B/A ANYWHERECOMMERCE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

4361423 CANADA INC. d/b/a
ANYWHERECOMMERCE,

Plaintiff,

v.

SQUARE, INC.,

Defendant.

Case No. 4:19-cv-04311-JSW

**JOINT NOTICE OF MOTION
AND MOTION TO STAY CASE
PENDING IPRS**

DATE: December 6, 2019

TIME: 9:00 a.m.

JUDGE: The Honorable Jeffrey S. White

CTRM: 5, 2nd Floor

TO THE COURT AND TO ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that 4361423 Canada Inc. d/b/a AnywhereCommerce (“AC”) and Square, Inc. (“Square”), collectively the “Parties,” hereby file this Joint Motion to Stay Case Pending IPRS to be heard on December 6, 2019, at 9:00 a.m. or as soon thereafter as counsel may be heard before the Honorable Jeffrey S. White in Courtroom 5 in the United States District Court for the Northern District of California, Oakland Division, 1301 Clay Street, Oakland, California.

The Parties file this joint motion to stay the action against Square in view of Square’s recently-filed petitions for *inter partes* review (“IPRs”) of U.S. Patent No. 8,286,875 (the “’875 patent”) (IPR2019-01625 and IPR2019-01626), U.S. Patent No. 8,281,998 (the “’998 patent”) (IPR2019-01627 and IPR2019-01628), U.S. Patent No. 9,269,084 (the “’084 patent”) (IPR2019-01629 and IPR2019-01630), U.S. Patent No. 9,016,566 (the “’566 patent”) (IPR2019-01649), U.S. Patent No. 9,311,637 (the “’637 patent”) (IPR2019-01650), U.S. Patent No. 9,443,239 (the “’239 patent”) (IPR2019-01651), U.S. Patent No. 9,613,351 (the “’351 patent”) (IPR2019-01652), and U.S. Patent No. 9,818,107 (the “’107 patent”) (IPR2019-01653 and IPR2019-01654).

Consistent with the intent of the America Invents Act to resolve patent challenges more efficiently, Square and AC respectfully request the Court stay this action pending Final Written Decisions from the Patent Trial and Appeal Board (“PTAB”). *See Oyster Optics, LLC v. Ciena Corp.*, No. 17-cv-05920-JSW, 2018 U.S. Dist. LEXIS 225498 at *3 (N.D. Cal. Jan. 29, 2018) (White, J.).

As the PTAB proceedings will likely provide guidance to streamline and narrow the case, Square and AC respectfully request the Court grant the Parties’ joint motion to stay this case pending Final Written Decisions from the PTAB. The Parties are prepared to submit periodic joint status reports to apprise the Court of the PTAB proceedings and to comply with any additional requirements the Court may require.

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Respectfully submitted,

Dated: October 7, 2019

KUTAK ROCK LLP

By: /s/ Niall A. MacLeod
Niall A. MacLeod

Attorneys for Plaintiff
4361423 Canada Inc.,
d/b/a AnywhereCommerce

Dated: October 7, 2019

WHITE & CASE LLP

By: /s/ Bijal V. Vakil
Bijal V. Vakil

Attorneys for Defendant
Square, Inc.

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CERTIFICATE OF CONFERENCE

The undersigned counsel for Square Inc. discussed this Motion with counsel for Plaintiff on October 7, 2019, and all parties consented to the filing of this Motion.

Dated: October 7, 2019

WHITE & CASE LLP

By: /s/ Bijal V. Vakil
Bijal V. Vakil

Attorneys for Defendant
Square, Inc.

ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), the filer attests that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Dated: October 7, 2019

WHITE & CASE LLP

By: /s/ Bijal V. Vakil
Bijal V. Vakil

Attorneys for Defendant
Square, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 7th day of October 2019, with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3).

Dated: October 7, 2019

WHITE & CASE LLP

By: /s/ Bijal V. Vakil
Bijal V. Vakil

Attorneys for Defendant
Square, Inc.